



#4  
PATENT  
JWCI:031US

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **NOVEL METHODS FOR LYMPH NODE IDENTIFICATION**, the Specification of which:

- is attached hereto.  
 was filed on June 30, 2000 as Application Serial No. 09/609,301.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
60/142,006 (Number)	USA (Country)	June 30, 1999 (Date Filed)	Yes
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

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(Application Serial No.) (Filing Date) (Status)

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(Application Serial No.) (Filing Date) (Status)

I hereby direct that all correspondence and telephone calls be addressed to Teresa J. Schultz, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 418-3000.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Donald	L.	Morton
Inventor's Signature:	<i>Donald L. Morton</i>		
Country of Citizenship:	USA	Date: 10-26-00	
Residence Address: (street, number, city, state, and/or country)	1374 Bella Oceana Vista Pacific Palisades, CA 90272		
Post Office Address: (if different from above)			

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Donald L. Morton

Serial No.: 09/609,301

Filed: June 30, 2000

For: NOVEL METHODS FOR LYMPH NODE  
IDENTIFICATION



Group Art Unit: 3762

Examiner: Unknown

Atty. Dkt. No.: JWCI:031US/SLH

**DECLARATION CLAIMING SMALL ENTITY STATUS**  
**37 C.F.R. §§ 1.9(f) AND 1.27(d) - NONPROFIT ORGANIZATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: JOHN WAYNE CANCER INSTITUTE

Address of Organization: 2200 Santa Monica Blvd.  
Santa Monica, CA 90404

The type of organization is a corporation.

I hereby declare that the organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) (1), and thus is a "small entity" as defined in § 1.9(f), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the above-referenced application.

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the organization, with respect to the above-referenced invention, nor have I assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR. § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e), with the exception that the Government may have rights in the invention pursuant to a funding agreement under 35 U.S.C. § 202(c)(4): National Institutes of Health Grant No. CA29605.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

JOHN WAYNE CANCER INSTITUTE

By: James W. Hardin  
Name: James W. Hardin  
Title: Executive Vice President and COO  
Date: 11-16-00